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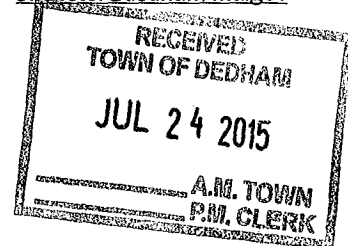
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**TOWN OF DEDHAM
PLANNING BOARD**



**CERTIFICATE OF ACTION
APPLICATION FOR PLANNED RESIDENTIAL DEVELOPMENT**

Applicant: Gregory Carlevale and Charlesbend, LLC

Subject Property: 255 West Street, Dedham, MA

Property Owner: Gregory Carlevale and Charlesbend, LLC

Owner Address: 21 Boulevard Road, Dedham, MA

Date: July 23, 2015

PROJECT SUMMARY

Gregory Carlevale and Charlesbend, LLC, are re-developing the Property at 255 West Street, Dedham, MA, as a Planned Residential Development (PRD). The Project consists of demolishing the existing single family dwelling at the Subject Property and constructing a PRD with a total of seven (7) single family dwelling units. The Project is subject to review by the Dedham Planning Board pursuant to Section 7 of the Dedham Zoning By-Law.

BACKGROUND AND FINDING OF FACTS

1. Charlesbend LLC is the owner of real estate known and numbered as 255 West Street, Dedham, MA (hereinafter referred to as "Subject Property"). Charlesbend LLC, and Gregory Carlevale (hereinafter referred to collectively as "the Applicant") propose to redevelop the Subject Property as described herein.

2. The Subject Property, shown on the Dedham Assessors' Map 17, Lot 3, and contains approximately 260,760 square feet (5.79 acres) of land with approximately 480 feet of frontage on West Street.
3. Currently the Subject Property is occupied by a single family dwelling with gross floor area of approximately 8,360 square feet.
4. The rear of the Subject Property abuts the Charles River and contains flood area, wetlands, and other resource areas and buffer zones.
5. According to the Zoning Map for the Town of Dedham, the Subject Property is located in the Single Residence A (SRA) Zoning District.
6. The Project consists of demolishing the existing dwelling and re-developing the Subject Property as a Planned Residential Development (PRD) pursuant to Section 7 of the Dedham Zoning By-Law. The PRD will consist of a total of seven (7) dwelling units with associated driveway and parking. Six (6) of the dwelling units will be paired or clustered in groups of two.
7. The PRD must conform to the Standards set forth in Sections 7.1.1 and 7.1.2 of the Dedham Zoning By-Law consisting (in part) of the following:
 - a. The overall density in dwelling units in a PRD shall not exceed 1.5 times the number of dwelling units which could be located within the boundaries of the same tract of land under applicable zoning;
 - b. At least twenty (20%) percent of the tract of land shall be maintained as natural open space in which existing vegetation and topography shall be preserved to the extent possible, subject only to additional planting and landscaping, but no paving, parking, or buildings.
8. The procedures for development and approval of a PRD are set forth in Sections 7.1.1 and 7.1.2 consisting (in part) of the following:
 - a. A comprehensive concept plan is reviewed and recommended to Town Meeting by the Planning Board;
 - b. Town Meeting must approve the comprehensive concept plan.
 - c. A detailed site development plan conforming to the approved concept plan is reviewed and approved by the Planning Board following, so far as apt, the approval regulations and procedures for a definitive subdivision plan.
9. On or about November 29, 2014, the Applicant submitted a written request to the Planning Board requesting a "scoping session" relative to the proposed PRD. Submitted with said request were the following a plan set dated

November 18, 2014, prepared by McKenzie Engineering Group, Inc., consisting of the following seven sheets:

- a. Existing Conditions Plan (C1)
 - b. Conventional Subdivision Concept (C2)
 - c. Site Layout Plan (C3)
 - d. Site Layout Plan (C3A)
 - e. Site Grading Plan (C4)
 - f. Development Comparison Plan (C5)
 - g. Earthwork Comparison Plan (C6)
10. On December 11, 2014, the Applicant and the Applicant's representatives appeared before the Planning Board for a "scoping session." At this meeting, the Applicant presented a general overview of the Subject Property and the Project. The Applicant demonstrated that a conventional subdivision at the Subject Property would result in five (5) building lots. Accordingly, the proposed PRD could have a density of up to seven (7) dwelling units. The Applicant also noted the number of benefits of the Project, including the substantial increase in open space. In addition, discussion at this meeting included a review of the process and procedure for approval of a PRD.
11. The Planning Board reviewed and considered the Comprehensive Concept Plan for Project at its regularly scheduled meeting of January 8, 2015. While not specifically required under any provision of the Dedham Zoning By-Law (or the Subdivision Rules and Regulations), the Planning Board caused written notice of said meeting to be mailed to abutters to the Subject property and caused the required notice of said meeting to be posted as required by State Law and Town By-Law.
12. Present at the meeting were the following Members of the Planning Board: John R. Bethoney, Chairman, Michael A. Podolski, Esq., Vice Chairman, Robert D. Aldous, Clerk, Ralph I. Steeves, and James E. O'Brien IV. Also present at the meeting on behalf of the Richard J. McCarthy, Jr., Planning Director.
13. The Applicant was represented at the meeting by Peter A. Zahka, II, Esq., Law Offices of Peter A. Zahka, II, P.C., 12 School Street, Dedham, MA. Also present at said meeting on behalf of the Applicant were Applicant Gregory Carlevale, Scott Henderson of McKenzie Engineering Group (Project Engineer), Mollie Moran of Moran & Associates (Project Architect), and John Haven of Keith LeBlanc Landscape Architects (Project Landscape Architect).
14. At said meeting, the Applicant and his representative were provided an opportunity to make a full presentation. This was followed by questions and comments from the Planning Board and the Planning Director. While not a

formal public hearing, the Planning Board accepted comments and questions from the general public.

15. The Planning Board again reviewed and considered the Comprehensive Concept Plan for Project at its regularly scheduled meeting of January 22, 2015. While not specifically required under any provision of the Dedham Zoning By-Law (or the Subdivision Rules and Regulations), the Planning Board caused written notice of said meeting to be mailed to abutters to the Subject property and caused the required notice of said meeting to be posted as required by State Law and Town By-Law.

16. Present at the meeting were the following Members of the Planning Board: John R. Bethoney, Chairman, Michael A. Podolski, Esq., Vice Chairman, Robert D. Aldous, Clerk, Ralph I. Steeves, and James E. O'Brien IV. Also present at the meeting on behalf of the Planning Director Richard J. McCarthy, Jr.

17. The Applicant was represented at the meeting by Peter A. Zahka, II, Esq., Law Offices of Peter A. Zahka, II, P.C., 12 School Street, Dedham, MA. Also present at said meeting on behalf of the Applicant were Applicant Gregory Carlevale, Scott Henderson of McKenzie Engineering Group (Project Engineer), and Mollie Moran of Moran & Associates (Project Architect).

18. At said meeting, the Applicant and his representatives were provided an opportunity to make a full presentation, which included revisions to the plan since the January 8, 2015, meeting. This was followed by questions and comments from the Planning Board and the Planning Director. While not a formal public hearing, the Planning Board accepted comments and questions from the general public.

19. At said meeting the Planning Board voted unanimously (5-0) as follows:

Subject to a satisfactory report from the Planning Board peer reviewer, the Planning Board, in accordance with provisions of Section 7.1.1 – 7.1.2 of the Dedham Zoning By-Law, recommends that Town Meeting approve the "Comprehensive Concept Plan" for a Planned Residential Development ("PRD") at 255 West Street (Dedham Assessor's Map 117, Lot 3), submitted by Concinnitas Corp. and shown on the plan entitled "Comprehensive Concept Plan, 255 West Street, Site Layout Plan C3," dated December 29, 2014, revised through January 16, 2015, prepared by McKenzie Engineering Group, Inc. with the following conditions:

- a. The PRD shall have a maximum of seven (7) dwelling units
- b. The maximum total gross floor area for dwelling units within the PRD shall be 29,792 square feet inclusive of all finished basement areas
- c. The minimum dedicated open space within the PRD shall be 48 percent of the total lot area

- d. Subject to a comprehensive review of the site development plan by the Planning Board.
20. On March 23, 2015, McMahon Associates issued a peer review report relating to the Comprehensive Concept Plan. Said report identified five (5) issues. On March 30, 2015, Applicant submitted a written response to the peer review report. On March 30, 2015, McMahon Associates issued a follow-up peer review report indicating all issues have been adequately addressed by the Applicant and resolved.
21. The recommendation of the Planning Board appeared as Article 23 in the Warrant for the 2015 Spring Annual Town Meeting. On May 18, 2015, the 2015 Spring Annual Town Meeting approved said Article 23 and the Comprehensive Concept Plan for the PRD for the Project.
22. On June 1, 2015, the Applicant submitted a written request for approval of a PRD accompanied by the following plans and reports (hereinafter referred to as the "Application"):
- a. Drainage Report, dated May 12, 2015, by McKenzie Engineering Group, Inc.
 - b. Plan set entitled "Planned Residential Development at 255 West Street, Dedham, MA" (consisting of sheets C1 through C12), dated May 12, 2015, revised through June 1, 2015, by McKenzie Engineering Group, Inc.
 - c. Landscape Plans, dated June 1, 2015, by Keith LeBlanc Landscape Architects
 - d. Traffic Impact and Access Study, dated May 2015, by VAI.
23. The Application was reviewed by the Planning Board and the Planning Director, and it was determined to satisfy all of the submittal requirements for a PRD.
24. In accordance with Section 6.4.3 of the Dedham Rules and Regulations Governing the Subdivision of Land and any applicable provision of the Dedham Zoning By-Law, upon receipt of the Application and above materials, the Planning Board distributed copies of the aforesaid plans and reports to and otherwise solicited comments from various Town of Dedham boards, departments, and officials. In addition, the Planning Board referred the matter to McMahon Associates for peer review.
25. Pursuant to Section 81T of G.L. c. 41 and the applicable provisions of the Dedham Rules and Regulations Governing the Subdivision of Land and the Dedham Zoning By-Law, the Planning Board caused notice of a public hearing

Regarding the Applicant's application for approval of a PRD to be published in *The Dedham Times*, a newspaper of general circulation in Dedham, on June 5, 2015, and June 12, 2015. In addition, on June 8, 2015, the Planning Board mailed notice of said hearing to all abutters and others entitled to receive such notice under State law, Dedham Rules and Regulations Governing the Subdivision of Land and the Dedham Zoning By-Law. Notice of the public hearing was also duly posted in accordance with State Law and the General By-Laws of the Town of Dedham.

26. After the aforesaid notice and publication, the public hearing on the Application commenced on June 25, 2015, at the Dedham Town Office Building, 26 Bryant Street, Dedham, MA. The public hearing was continued to and reconvened on July 8, 2015, at Dedham Town Office Building. The Planning Board closed the public hearing on July 8, 2015.
27. Present at each session of the public hearing were Planning Board Members John R. Bethoney, Chairman, Michael A. Podolski, Esq., Vice Chairman, Robert D. Aldous, Clerk, Ralph I. Steeves, and James E. O'Brien IV. Also present at the meeting on behalf of the Planning Director Richard J. McCarthy, Jr., and Steven Findlen of McMahon Associates, the Planning Board's peer reviewer.
28. The Applicant was represented at all sessions of the public hearing by Peter A. Zahka, II, Esq., Law Offices of Peter A. Zahka, II, P.C., 12 School Street, Dedham, MA. Also present at said hearings on behalf of Applicant were Applicant Gregory Carlevale, Scott Henderson of McKenzie Engineering Group (Project Engineer), and Mollie Moran of Moran & Associates (Project Architect).
29. At said hearing, the Applicant and his representative were provided an opportunity to make a full presentation. This was followed by questions and comments from the Planning Board and the Planning Director. The Planning Board accepted comments and questions from the general public.
30. On July 2, 2015, McMahon Associates issued a peer review report on the proposed PRD. Said report identified eleven issues. On July 7, 2015, the Applicant submitted a written response to said peer review report, as well as revised plans. On July 9, 2015, McMahon Associates issued a follow-up peer review report indicating that all but four issues had been adequately addressed and resolved by the Applicant.
31. On July 7, 2015, Fire Chief William Spillane (via email to Planning Director Richard McCarthy) indicated that he is satisfied with the revised plans, which included increased turning radius and widening of the proposed driveways to 16 feet, as well as the installation of two fire hydrants.

32. Director of Engineering Joseph Flanagan confirmed that trash and recycling collection at the PRD will be provided by the Town.
33. On July 16, 2015, the Applicant submitted a written response to the peer review report of July 9, 2015, and provided updated site plans.
34. On July 17, 2015, McMahon Associates issued a final peer review report indicating that all issues have been adequately addressed and resolved.

DECISION

At the meeting duly held on July 23, 2015, after discussion, the Planning Board, consisting of John R. Bethoney, Chair, Michael A. Podolski, Esq., Vice Chair, Robert D. Aldous, Clerk, James E. O'Brien IV, and Ralph I. Steeves, voted unanimously (5-0), to approve the Application for a Planned Residential Development on the following terms and conditions.

1. Subject to the Conditions contained herein, the Project shall be substantially constructed in accordance with the Record Plans, listed in Exhibit A attached hereto and incorporated herein by reference.
2. Notwithstanding any provision to the contrary, (a) the PRD shall have a maximum of seven dwelling units; (b) the maximum total gross floor area for dwelling units within the PRD shall be 29,792 square feet inclusive of all finished basement areas; and (c) the minimum dedicated open space within the PRD shall be 48 percent of the total lot area.
3. Prior to issuance of any building permit, the Applicant shall post security in one of the forms described in Section 6.7 of the Dedham Rules and Regulations Governing the Subdivision of Land. Notwithstanding any provision to the contrary, in the event that the Applicant submits a covenant, said covenant shall provide that the Applicant may obtain building permits for the construction of the dwelling units but may not convey the same.
4. Drainage shall be as approved in accordance with the Town of Dedham Stormwater Management By-Law Applicant shall provide the Planning Board with a copy of the Order of Conditions and Operation and Maintenance Plan approved by the Dedham Conservation Commission which is hereby incorporated by reference. The plans that are hereby incorporated by reference by the Conservation Commission shall be the same plans the Planning Board endorses.
5. The road shown on the Record Plans shall remain private, with all maintenance and repair of the pavement, drainage facilities, and other improvements within PRD (regardless whether installed on private property

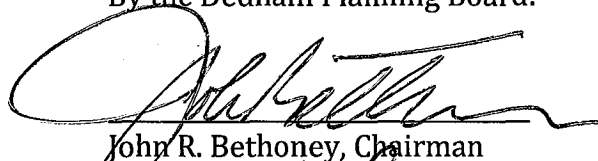
or within the private way). Snowplowing and snow/ice removal within the PRD shall be the sole responsibility of the owners of the dwelling units within the PRD. Prior to the issuance of any occupancy permits for any dwellings constructed within the PRD, the Applicant shall establish a homeowner's association or similar entity to ensure compliance with the provisions of this paragraph.

6. The roadway shall be inspected at each stage of construction in accordance with Form K of the Dedham Rules and Regulations Governing the Subdivision of Land, with an affidavit provided by the inspector at each stage of construction of the roadway, which will be filed with the Planning Board office.
7. In the event of an emergency, the Applicant shall allow the Dedham DPW or the Dedham Westwood Water District, as may be appropriate, access to the sewer and water lines on the Subject Property for repair purposes.
8. Members of the Planning Board and the Planning Director shall be permitted access to the project site during construction with proper notification to the Applicant subject to applicable safety requirements as established by the Applicant or its Contractor. Proper notification shall be through the construction trailer sign-in process or shall be through the emergency call number of the Applicant's representative in case of emergency or off-hours situations.
9. The site lighting will be checked by the Planning Board and/or its agent prior to an occupancy permit being granted in order verify adequacy of the lighting levels on and off site, and whether off-site glare has been created. If necessary, the Applicant shall adjust the lighting levels prior to an occupancy permit being issued.
10. The Applicant agrees that no later from one year from the date of this certificate of action, it shall file a written report with the Planning Director detailing the progress of the project, compliance with all terms and conditions of this certificate, and the expected completion date. The Planning Board reserves the right to require the Applicant to appear before the Planning Board to further discuss and review compliance with this certificate of action.
11. The Planning Director will be contacted by the Applicant upon completion of the project to verify that the project has been completed in full compliance with the specifications of the plan as submitted and approved in this Certificate of Action, including a certification by the Applicant's engineer that the project has been constructed according to said plans. A compliance letter will be issued forthwith once found to be properly completed.

12. Following construction of the Project, the Applicant shall provide an "as-built" site plan to the Planning Board, the Building Department, the Department of Infrastructure Engineering, and the Board of Assessors prior to the issuance of the certificate of occupancy for the final building in the Project in accordance with applicable regulations.
13. All invoices generated by the Board's peer reviewers during the Application stage shall be paid prior to the issuance of any building permits.
14. All municipal taxes and fees shall be paid in full and all taxes accounts shall be in good standing prior to the issuance of any building permit.

Dated: July 23, 2015


By the Dedham Planning Board:



John R. Bethoney, Chairman



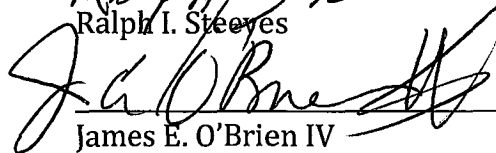
Michael A. Podolski, Esq., Vice Chairman



Robert D. Aldous, Clerk



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James E. O'Brien IV